



## Town of Randolph, Massachusetts

### Board of Health

41 South Main Street

RANDOLPH, MASSACHUSETTS 02368

**TEL. (781) 961-0924**

**FAX (781) 961-0927**

**Members:**

Mark Kittredge, Chair

Thomas Fisher, V. Chair

Dr. David Kaplan, CHO, RS, Member

Nelly Brown Janga

Esther Muhammad, RN

John McVeigh, Commissioner

**To:** Various Banks Mortgage lenders and Safeguard properties

**Subject:** Registration Fee Abandoned And Foreclosed Properties.

**Date:** 11/5/10

Please be advised that the Town has a bylaw: Town By-law Chapter 83, § 83- Security and maintenance of Abandoned/Dilapidated Buildings . This bylaw now requires a \$500.00 initial fee ( please see attached fee schedule) paid to the town along with the registration. Failure to pay the fee will incur daily penalties of \$300.00 per day. Thank you for your cooperation any questions can be addressed to the Board of Health.

Sincerely,

Board of Health Commissioner  
John McVeigh MBA, CHO, RS

Cc Files  
Board

Introduced: August 9, 2010

BY: Town Manager David Murphy

Council Order 2010-060

## Establishment of Fess for Abandoned or Dilapidated Houses

The Randolph Town Council hereby adopts the fee schedule established within Ch. 83-2.040 (Registration Fee) for abandoned or dilapidated houses.

\$500 For buildings that have been abandoned and/or dilapidated for less than (1) year.

\$1,000 For buildings that have been abandoned and/or dilapidated for One (1) year or more but less than two (2) years.

\$2,000 For buildings that have been abandoned and/or dilapidated for two (2) years or more but less than three (3) years.

\$3,000 For buildings that have been abandoned and/or diplidated for three (3) years or more.

And, establishes a fee for appeal under 83-2.080

\$100 to appeal the decision of the Town of Randolph must accompany any appeal under this section of the Town of Randolph by-laws.

## **ARTICLE 7**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money to fund the cost items for FY09 in a contract between the Town of Randolph (represented by the Board of Selectmen) and the Randolph Fire Department Employees (represented by Local #1268, I.A.F.F., AFL-CIO), in accordance with Chapter 150E of the General Laws, amend the Classification and Compensation Plan, or take any other action with reference thereto.

(As petitioned for by the Board of Selectmen.)

### ***Recommendation to be made at Town Meeting***

## **ARTICLE 8**

To see if the Town will vote to amend Chapter 83 of the Town's General Bylaws, as most recently amended, to add a new Section 83-1 as follows "§ 83-1. [RESERVED.]", and a new Section 83-2, regarding "Abandoned and Dilapidated Buildings" and as follows, or to take any other action related thereto.

### **Chapter 83, § 83-2. REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND/OR DILAPIDATED BUILDINGS WITHIN THE TOWN OF RANDOLPH**

#### **83-2.010 Purpose.**

Abandoned and/or Dilapidated Buildings encourage blighted and unsecured properties; cause the surrounding neighborhood to suffer from stagnant or declining real estate values; and create significant maintenance and monitoring costs to the Town of Randolph.

Accordingly, it is the intent of this section to protect public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods by requiring the registration of all Abandoned and/or Dilapidated Buildings, as defined herein, and, by doing so, expedite the prompt rehabilitation and permanent occupancy of such buildings.

#### **83-2.020 Definitions.**

**ABANDONED AND/OR DILAPIDATED BUILDING.** Any residential, commercial or industrial building and/or premises, where the Owner, by his or her action or inaction, has failed to correct a material health and/or safety condition at the building or premises or on the surrounding Property. A material health and/or safety condition may be found where the health, safety and welfare of the neighborhood is or may be at risk, such as:

A. Where a building is vacant for a length of time that is inconsistent with its use as a residential, commercial or industrial building and/or premises (the state of being vacant is not necessarily to be considered a prerequisite to a finding of Abandonment and/or Dilapidation); or

B. Where there exists a lack of maintenance and/or a deterioration of a building or grounds which actually or potentially poses a risk to the public health, public safety, security, general welfare and quiet enjoyment of occupants, abutters, and neighborhoods; or

C. Where a building is not safe and/or structurally sound or where the building or its interior is otherwise unfit for healthy or safe habitation or access; or

D. Where the structural vandalism of a building or grounds has gone unrepaired; or

E. Where a lack of maintenance or use and/or a deterioration of the building and/or premises promotes a degradation of the surrounding neighborhood affecting the public health, public safety, security, general welfare and quiet enjoyment of occupants, and abutters.

## **ARTICLE 8 - continued**

**ABANDONMENT.** A building in the state of Abandonment is one which shows Evidence of Abandonment as defined below and is vacant or occupied by a person without a legal right of occupancy, and may be subject to a current Notice of Default and/or Notice of Trustee's Sale, pending Tax Assessors Lien Sale, and/or part of any real Property conveyed via a Foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or part of any real Property conveyed via a deed in lieu of Foreclosure/sale. Indicia of Abandonment shall include without limitation no or inadequate response to requests from officials of the Town of Randolph for verification of ownership and/or to orders to repair to such Property for more than thirty (30) days after issuance of such requests and/or orders.

**BOARD OF SELECTMEN OR BOARD.** The Board of Selectmen of the Town of Randolph.

**CODE MANAGEMENT TASK FORCE.** Pursuant to Chapter 61, Section 61-9 of the General Bylaws, the Code Management Task Force ("CMTF") coordinates the activities of various agencies involved in the enforcement of laws, bylaws, and regulations adopted to protect and promote the public health, public safety, security, general welfare and quiet enjoyment of the residents of the Town of Randolph.

**DILAPIDATED.** A Dilapidated building is one which shows signs of decay, strewn trash, deterioration, or full or partial ruination through neglect or misuse.

**EVIDENCE OF ABANDONMENT.** Any building and/or premise condition(s) that independently, or in the context of the totality of circumstances would lead a reasonable person to believe that a building is vacant or occupied by a person without a legal right of occupancy. Such conditions include but are not limited to: (1) overgrown grass (1ft or higher) or noticeable amounts of dead vegetation; (2) accumulation of unclaimed newspapers, circulars, flyers or mail; (3) past due utility notices or disconnected utilities; (4) accumulation of trash, junk or debris; (5) the absence of window coverings such as curtains, blinds or shutters; (6) the absence of furnishings or personal items consistent with residential habitation; (7) a swimming pool in such disrepair that a dangerous condition may exist; and/or (8) reports by neighbors, passersby, delivery agents, government employees that the building is vacant.

**FORECLOSURE.** The process by which Property, used as security for a real estate loan, is prepared for sale to satisfy the debt if the borrower defaults.

**NEIGHBORHOOD STANDARD.** The condition of buildings and premises that prevails in and throughout the neighborhood where an Abandoned and/or Dilapidated Building is located. No Abandoned and/or Dilapidated Building shall be considered in determining this standard.

**OWNER.** Every person, entity, service company, Property manager or realtor, who alone or severally with others: (1) has legal or equitable title to any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park; or (2) has care, charge or control of any building, dwelling, dwelling unit, mobile dwelling unit, or parcel of land, vacant or otherwise, including a mobile home park, in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate; or (3) is a mortgagee in possession of a building and/or premises; or (4) is an agent, trustee, or other person appointed by the court and vested with possession or control of a building and/or premises; or (5) is an officer or trustee of the association of unit Owners of a condominium (each such person is bound to comply with the provisions of this bylaw as if he were the Owner); or (6) operates a rooming house; or (7) is a trustee who holds, owns, or controls mortgage loans or mortgage-backed securities transactions and has initiated Foreclosure. The Owner, as defined herein, may also be referred to as the "Responsible Person" in this chapter.

**PROPERTY.** Any unimproved or improved real Property, or portion thereof, including but not limited to buildings or structures located on said Property, regardless of condition.

**THIS SECTION or BYLAW.** Section 83-2 of Chapter 83 of the Town of Randolph's General Bylaws, entitled, "REGULATING THE SECURITY AND MAINTENANCE OF ABANDONED AND/OR DILAPIDATED BUILDINGS WITHIN THE TOWN OF RANDOLPH."

## **ARTICLE 8 - continued**

### **83-2.030 Registration, Failure to Register, Change of Ownership.**

Within forty-five (45) days of a building becoming Abandoned and/or Dilapidated, as determined by the CMTF pursuant to this Section, the Owner of such building shall register said building with the Police Department, Building Department and Health Department by providing each department, on a form to be provided by such department, the name, address, telephone number of the Owner of the building, the street address of the building and the map, block and parcel number of such building. If the Owner does not reside in the Commonwealth of Massachusetts, then the registration form shall also include the name, address and telephone number of a person who resides within the Commonwealth of Massachusetts and is authorized to accept service of process on behalf of the Owner and who shall be designated as the Owner's agent for purpose of receiving all notices issued pursuant to this Section.

Failure to register an Abandoned and/or Dilapidate Building shall be a violation of this Section. Each department, as referred to above, shall be immediately notified by the Owner of an Abandoned and/or Dilapidated Building if the ownership of said building changes subsequent to registration.

### **83-2.040 Annual Registration Fee, Failure to Pay.**

On or before November 15<sup>th</sup> of each calendar year the Owner of any Abandoned and/or Dilapidated Building shall pay to the Town of Randolph an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building. The annual registration fee shall be set by the Board of Selectmen pursuant to Chapter 40, Section 22 F of the General Laws of the Commonwealth. Failure to pay the annual registration fee shall be a violation of this Section, and the full fee shall be deemed an assessment resulting from a violation of this bylaw. Such fee, and any fines issued for violations of this Section, shall constitute a "municipal charges lien" on the Property to be collected in accordance with M.G.L. c. 40, Section 58.

### **83-2.050 Security and Maintenance Requirements.**

The Owner, as that term is defined herein, shall secure buildings subject to registration pursuant to this Section in a such a manner as to prevent access by unauthorized persons, including but not limited to the following: (1) closing and locking of windows, doors (walk-through, sliding and garage), gates, swimming pools and any other opening of such size that it may allow a child to access the interior of the building; (2) re-glazing or boarding of any broken window; and (3) if directed to do so by the Town of Randolph, implement additional maintenance and/or security measures, including installing additional security lighting, increasing the frequency of on-site inspections, employing an on-site security guard(s), disconnecting utilities and removing meter boxes, or implementing other measures as may be required to stop the structural decline of the Abandoned and/or Dilapidated Building and prevent unauthorized entry.

### **83-2.060 Inspections and Posting.**

If the Responsible Person is a corporation and/or out-of-area beneficiary/trustee/Owner, a local Property manager shall be hired to perform weekly inspections of the Abandoned and/or Dilapidated Building to verify that the requirements of this bylaw and any other applicable laws are being complied with.

The Abandoned and/or Dilapidated Building shall be posted with the name and 24-hour contact phone number of the local Property manager. The posting shall be no less than 18 inches by 24 inches and shall be legible from a distance of 45 feet. The posting shall contain the words:

"THIS PROPERTY MANAGED BY [add name of Property manager]" and "TO REPORT PROBLEMS OR CONCERNS PLEASE CALL [add 24-hour contact phone number]"

The posting shall be visible from the street and placed on the interior of a window of the Abandoned and/or Dilapidated Building that faces the main street or secured to the front exterior of the building facing the main street or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the main street but not readily accessible to vandals. Exterior posting must be constructed of, and printed with weather resistant materials.

## **ARTICLE 8 - continued**

### **83-2.070 Billing Statement.**

On or before October 15<sup>th</sup> of each calendar year, the Town of Randolph shall send a billing statement, setting forth the required registration fee, to the Owner of the Abandoned and/or Dilapidated Building. The registration fee, as set by the Board pursuant to Subsection 83-2.040, shall be due and payable on November 15<sup>th</sup> of each year regardless of the delivery or receipt of such billing statement.

### **83-2.080 Appeal.**

Any Owner aggrieved by the requirements of this Section may appeal such requirements and/or such fee in writing to the Board of Selectmen no later than fifteen (15) calendar days after the receipt of the billing statement. The appeal request must be accompanied by a non-refundable appeal cost to be set by the Board pursuant to Chapter 40, Section 22 F of the General laws of the Commonwealth. Upon the proper filing of an appeal, payment of the registration fee shall be stayed pending the outcome of the appeal. If, upon appeal, the decision of the Board is adverse to the Owner, the payment of the registration fee shall be due within ten (10) calendar days of such decision.

### **83-2.090 Other Violations.**

The provisions of this Section are in addition to, and not in lieu of, any and all other applicable provisions of the General Bylaws of the Town of Randolph or any provisions of the Zoning Bylaws or any applicable regulations and laws of the Commonwealth of Massachusetts and/or the Town of Randolph.

### **83-2.100 Enforcement, Fine.**

A violation of this Section, either by failing to register an Abandoned and/or Dilapidated Building, failing to pay the registration fee or otherwise, shall be subject to a fine of Three Hundred Dollars (\$300.00) per offense and each day that the violation is outstanding shall constitute a separate offense. The Health Agent and/or any Police Officer of the Town of Randolph or any official designee of the CMTF shall have the right to enforce this Section pursuant to the non-criminal disposition procedures set forth in Chapter 1, Section 1-6 of the Town of Randolph's General Bylaws. This Section shall not supersede, preempt or negate any individual department's statutory authority to act independently on such matters.

### **83-2.110 Severability.**

If any provision of this Section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

### **83-2.120 Notice.**

A copy of this bylaw shall be mailed by CMTF to all Owners of Abandoned and/or Dilapidated Buildings located in the Town of Randolph. The CMTF shall also mail a copy of this bylaw to all loan institutions, banks, real estate offices, and management companies located in and/or having legal or equitable interest in residential, commercial or industrial Property located in the Town of Randolph, to the extent that such information is readily ascertainable and accessible from records on file with Town of Randolph or elsewhere.

### **Fin Com motion:**

*Moved to accept the by-law as presented.*

### **Fin Com Vote**

*7 in favor 1 opposed (11/06/08)*

### **Discussion**

(As petitioned for by the Board of Selectmen.)



## *Town of Randolph, Massachusetts*

**Board of Health**  
41 South Main Street  
RANDOLPH, MASSACHUSETTS 02368  
**TEL. (781) 961-0924**  
**FAX (781) 961-0927**

### **Registration Form for Abandoned Residential Property Town of Randolph Bylaw**

**Complete Registration Form for each Property & Return this Completed Form With Fee**

Fee Not Required for Changes to Registered Properties

**Date:** \_\_\_\_\_

**Property to Be Registered :**

\_\_\_\_\_  
Address Unit

\_\_\_\_\_  
City Zip Code MA

\_\_\_\_\_  
Assessor Parcel Number (APN)

\_\_\_\_\_  
Notice of Default:  
(If available)

\_\_\_\_\_  
Recordation #

\_\_\_\_\_  
Date

**Lender/Lien Holder:**

\_\_\_\_\_  
Company/Organization Name

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Phone #

\_\_\_\_\_  
Email Address



**Property Manager:**

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Company/Organization Name

Business License #

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Contact Person

Business Phone #

24 Hour Phone #

**Comments:**

**Additional Information: MARK ALL THAT APPLY**

☐ This is a first time registration for this property

☐ An inspection was completed on the above referenced property and was abandoned or showed evidence of abandonment

☐ Noted Code violations "Orders to Correct" that exist will be repaired within 30 days.

☐ The Notice of Default has been recorded with the County Recorder's Office, and the recordation # and date is included above.

☐ The Notice of Default has been submitted to the County Recorder's Office, and the recordation # is not yet available.

☐ This is a previously registered property. PLEASE CIRCLE THE SECTION ABOVE THAT REFLECTS CHANGES.

☐ The fee for registration is \$\_\_\_\_\_ and is enclosed. There is no fee for changes in information.

**FAILURE TO REGISTER WILL LEAD TO FINES /LEINS AND OR COURT ACTION.  
FAILRE TO REGISTER COULD LEAD TO SIGNIFICANT LEGAL LIABILITY.**

**Please mail this form to the following departments as well:**

**Cc.**

**Randolph Police Department**

Attention: Safety Officer  
41 South Main St.  
Randolph, MA 02368

**Randolph Building Department**

Attention: Building Commissioner  
41 South Main Street  
Randolph, MA 02368